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Walker's Record No Bar to Clearance

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Alleged spy John Anthony Walker Jr.'s juvenile conviction on burglary charges would not necessarily have barred him from receiving a top secret clearance under current Navy policy, a Navy spokesman said yesterday.

The spokesman, Lt. Stephen Pietropaoli, said that under current guidelines for giving security clearances, the Navy considers various factors in deciding whether to grant a security clearance to an individual with a criminal record.

He said the policy would have been similar in 1965, when John Walker first received a "Top Se-

cret/Crypto" clearance, giving him special access to code information.

A Navy investigator reviewing Walker's background the year before noted the May 1955 burglary incidents in a check of juvenile court files in Lackawanna County, Pa., where Walker grew up.

A juvenile court judge ordered Walker and another youth put on probation for burglarizing four Scranton, Pa., businesses.

Walker, who was 17 at the time, joined the Navy later that year and retired in 1976 as a chief warrant officer.

Pietropaoli said the Navy guidelines list various "mitigating factors" to consider in deciding whether employees' criminal records bar

them from receiving security clearances.

The factors include the "immaturity of the individual at the time of the offense," the "isolated nature of the conduct," and whether the conduct was "in the distant past," meaning more than five years before.

In other developments yesterday related to the alleged Walker spying, the chairman of a House Judiciary subcommittee, responding to

recent calls to restore the death penalty in espionage cases, denounced the idea as "utterly worthless."

In a statement, Rep. Don Edwards (D-Calif.), chairman of the House Judiciary subcommittee on civil and constitutional rights, disputed claims that the death penalty would deter spying.

"The theoretical prospect of the death penalty is not likely to have much effect on the cold-blooded spy," said Edwards, who also serves on the criminal justice subcommittee. "Traitors for hire, like killers for hire, do not expect to be caught."

Even if the death penalty were reinstated, he added, it would rarely be imposed in espionage cases since officials would instead try to turn those suspected of espionage into double agents or refrain from prosecuting because of fears that national security would be further damaged by disclosures at trial.

In addition, he said, "When we do convict spies, we tend to trade them for agents of our own the Soviets have captured . . . an executed spy is no bargaining chip."

Currently, the maximum punishment for espionage is life in prison. Any change in the law would not affect the four current and former Navy men accused in the Walker case.

Since the Supreme Court in 1972 overturned the federal death penalty, measures to reinstate capital punishment with procedures that meet constitutional requirements have twice passed the Senate. In the House, however, such measures have been stalled in the Judiciary Committee.

In the hope of overcoming that roadblock, Rep. Eldon Rudd (R-Ariz.) announced yesterday that he will introduce an amendment to a

Defense Department authorization bill asking that the department study the desirability of reimposing the death penalty for espionage and report back to Congress in 30 days.

"The current maximum penalty of life in prison is not enough when individuals are willing to sell top U.S. security secrets for small sums and endanger the lives of millions of Americans," Rudd said.

"I believe tougher penalties for these crimes are widely supported by the public—and anyone who is thinking about transferring defense information to the Soviets or others might reconsider if the death penalty hangs over them," he said.

Defense Secretary Caspar W. Weinberger has strongly endorsed that idea, saying that if convicted, the four Navy men accused of espionage in the Walker case "should be shot, though I suppose hanging is the preferred method."